

**AMENDED**  
**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER**  
**OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF**  
**NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office SEP 05 2003  
 Returned to applicant for correction SEP 17 2003  
 Corrected application filed OCT 29 2003  
 Map filed NOV 01 1919 under 3159

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The applicant **James R. Boyce**, hereby makes application for permission to change the **Manner and Place of Use** of water heretofore appropriated under **Permit 3159, Certificate 1878**

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1. The source of water is **Perry Aiken Creek**
2. The amount of water to be changed **0.226 c.f.s. or 96 acre-feet**
3. The water to be used for **Irrigation**
4. The water heretofore permitted for **Irrigation**
5. The water is to be diverted at the following point **SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 35, T.2S., R.35E., M.D.B.&M., or at a point that bears S. 49°00' E., 1690 feet from the S $\frac{1}{4}$  corner of said Section 35.**
6. The existing permitted point of diversion is located within **Unchanged**
7. Proposed place of use **542.6 acres within the following: portion of the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 26, W $\frac{1}{2}$  SW $\frac{1}{4}$ , NW $\frac{1}{4}$ , NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 35, T.2S., R.35E., M.D.B.&M.; W $\frac{1}{2}$  W $\frac{1}{2}$ , Section 2, E $\frac{1}{2}$  SE $\frac{1}{4}$ , Section 3, T.3S., R.35E., M.D.B.&M.**
8. Existing place of use **16.8 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$  and 5.8 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 35, T.2S., R.35E., M.D.B.&M., - 22.6 acres total.**
9. Use will be from **January 1 to December 31** of each year.
10. Use was permitted from **April 1 to ~~November~~ 31** of each year.
11. Description of proposed works **Existing diversion structures, thence via existing ditches to the proposed place of use.**
12. Estimated cost of works **Completed - See Permit 3159, Certificate 1878**
13. Estimated time required to construct works **Completed - See Permit 3159, Certificate 1878**
14. Estimated time required to complete the application of water to beneficial use **Five (5) years**
15. Remarks: **This application is being filed to change the manner and place of use under Permit 3159, Certificate 1878. Water will be commingled with Applications to Change Permits 11278 and 36349 for irrigation of 542.6 acres within the proposed place of use.**

By **Gregory M. Bilyeu**  
**s/Gregory M. Bilyeu**  
**500 Damonte Ranch Pkwy., Suite 1056**  
**Reno, Nevada 89521**

Compared cmf/bk lb/gkl

Protested 2/5/04 by: Bureau of Land Management Pro. Overruled 10/21/04 See Ruling #5432

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APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the place of use and manner of use of the waters of Perry Aiken Creek (storm and flood water) as heretofore granted under Permit 3159, Certificate 1878 is issued subject to the terms and conditions imposed in said Permit 3159, Certificate 1878 and with the understanding that no other rights on the source will be affected by the change proposed herein. A substantial headgate and measuring device must be installed and maintained to facilitate the measurement and control of water. The State reserves the right to regulate the use of the water under this proposed change at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The total acres irrigated exclusively by storm and flood water from Leidy Creek and Perry Aiken Creek on a parcel located east of and adjacent to the northern portion of the ranch by Permits 70389 through 70391 shall be limited to 542.6 acres within the common described place of use.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.226 cubic feet per second, but not to exceed 96 acre-feet annually and not to exceed a annual duty of 5.0 acre-feet per acre of land irrigated from any and/or all sources.

Work must be prosecuted with reasonable diligence and be completed on or before:

January 12, 2007

Proof of completion of work shall be filed before:

February 12, 2007

Water must be placed to beneficial use on or before:

January 12, 2011

Proof of the application of water to beneficial use shall be filed on or before:

February 12, 2011

Map in support of proof of beneficial use shall be filed on or before:

February 12, 2011

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set  
my hand and the seal of my office,  
this 12th day of January, A.D. 2006.

  
State Engineer

Completion of work filed \_\_\_\_\_

Proof of beneficial use filed \_\_\_\_\_

Cultural map filed NA

Certificate No. \_\_\_\_\_ Issued \_\_\_\_\_

